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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/697,542	08/27/96	BLOCK	R 003750-006

LM11/0518

FREDERICK G MICHAUD JR
BURNS DOANE SWECKER & MATHIS
P O BOX 1404
ALEXANDRIA VA 22313-1404

EXAMINER

SRIVASTAVIA, V

ART UNIT

PAPER NUMBER

2711 13

DATE MAILED: 05/18/98

This is a communication from the examiner in charge of your application.
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OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 2/25/98

This action is FINAL.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 D.C. 11; 453 O.G. 213.**

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-43 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 35, 36 is/are allowed.

Claim(s) 1-34, 37-43 is/are rejected.

Claim(s) 20 is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Olivo Jr. (5,172,111) and Kwoh.

Considering claim 1, West discloses all the claimed subject matter, note:

1) the claimed a method of creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content, is met by
(column 5 lines 3 - 19 and column 7 lines 5 - 10,)

2) the claimed providing information to a user which describes each of the category labels is met by column 4 lines 58 - 67 and column 5 lines 20 - 40,

3) the claimed prompting the user to input a value for each of the category labels in response to the provided information is met by column 7 lines 29 - 40 and column 10 lines 1 - 26,

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4) the claimed forming the local information label based on the input values is met by column 5 lines 1 - 29.

5) the comparing the local information label and the transmitted information label (col 4 lines 48-67 and col 5 lines 1-40),

except for:

1) the claimed means for receiving a program which includes a transmitted information label having a first category label which identifies a first program content and a second category label which identifies a program theme on a frame-specific basis.

West discloses of transmitting an information label having a label which identifies program content. Olivo and Kwoh also disclose of transmitting an information label wherein Kwoh discloses of transmitting a label which identifies the category (col 2 lines 24-47 ex. Children programs) and Olivo discloses of identifying the program content on a frame-by-frame basis (col 3 lines 25-40). It would have been obvious to modify the invention of West to include category theme in the label, since additional data in the label would further help identify the type of programming, and it would have been obvious to transmit the programming on a frame-by-frame basis as the censorship of the programming would have been more flexible. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of West to include category data in the label as taught by Kwoh and transmit the program content on a frame-by-frame basis, as taught by Olivo because additional identification of the transmitted programming and added flexibility would have been expected.

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Considering claim 2, West discloses all the claimed subject matter, note the claimed wherein the information provided to the user comprises descriptive phrases which describe categories of program content is met by column 4 lines 58 - 67 and column 5 lines 29 - 40.

Considering claim 3, West discloses all the claimed subject matter, note the claimed further comprising the step of receiving from a remote source the descriptive phrases is met by column 4 lines 58 - 67 and column 5 lines 1 - 40.

Considering claim 4, West discloses all the claimed subject matter, note the claimed wherein the descriptive phrases comprises standardized definitions is met by column 5 lines 30 - 40 (R = restricted).

Considering claim 5, West discloses all the claimed subject matter, note the claimed further comprising the step of displaying graphically the values for the category label is met by column 5 lines 27 - 30.

Considering claim 6, West discloses all the claimed subject matter, note the claimed wherein the steps of providing information to the user and prompting the user are carried out for each of the category labels is met by column 15 lines 1 - 40 and column 14 lines 30 - 54.

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Considering claim 7, West discloses all the claimed subject matter, note:

1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 2 - 19,

2) the claimed means for providing information to a user which describes each of the category labels is met by column 4 lines 59 - 67 and column 5 lines 20 - 40,

3) the claimed means for prompting the user to input a value for each of the category labels in response to the provided information is met by column 5 lines 1 - 19, column 7 lines 29 - 40 and column 10 lines 1 - 26,

4) the claimed means for forming the local information label based on the input values is met by column 5 lines 2 - 19.

5) the claimed means for comparing the local information label and the transmitted information label (col 4 lines 48-67 and col 5 lines 1-40),

except for:

1) the claimed means for receiving a program which includes a transmitted information label having a first category label which identifies a first program content and a second category label which identifies a program theme on a frame-specific basis.

West discloses of transmitting an information label having a label which identifies program content. Olivo and Kwoh also disclose of transmitting an information label wherein Kwoh

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discloses of transmitting a label which identifies the category (col 2 lines 24-47 ex. Children programs) and Olivo discloses of identifying the program content on a frame-by-frame basis (col 3 lines 25-40). It would have been obvious to modify the invention of West to include category theme in the label, since additional data in the label would further help identify the type of programming, and it would have been obvious to transmit the programming on a frame-by-frame basis as the censorship of the programming would have been more flexible. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of West to include category data in the label as taught by Kwoh and transmit the program content on a frame-by-frame basis, as taught by Olivo because additional identification of the transmitted programming and added flexibility would have been expected.

Considering claim 8, West discloses all the claimed subject matter, note:

- 1) the claimed means for prompting the user to identify a person associated with the local information label is met by column 10 lines 1 - 26 and column 12 lines 15 - 18,
- 2) the claimed means for storing in the local information label an identification code which identifies the person is met by column 4 lines 48 - 57 and column 5 lines 3 - 19.

Considering claim 9, West discloses all the claimed subject matter, note:

- 1) the claimed means for prompting the user to identify a group of people associated with the local information label is met by column 10 lines 1 - 26 and column 12 lines 15 - 18,

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2) the claimed means for storing in the local information label an identification code which identifies the group of people is met by column 4 lines 48 - 52 and column 5 lines 3 - 19.

Considering claim 10, West discloses all the claimed subject matter, note:

1) the claimed means for prompting the user to identify a daily time period associated with the local information label would have been inherent, the user would have been prompted by the apparatus to input a time period since the user can input the censorship times associated with the information label (column 5 lines 1 - 8),

2) the claimed means for storing in the local information label a timing code which identifies the daily time period is met by column 4 lines 48 - 57 and column 5 lines 2 - 19.

Considering claim 11, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of the plurality of users is met by column 4 lines 48 - 57 and column 5 lines 3 - 19.

Considering claim 12, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of a plurality of combination of users is met by column 4 lines 48 - 57 and column 5 lines 30 - 40.

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Considering claim 13, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of a plurality of daily time periods is met by column 4 lines 58 - 66 and column 5 lines 1 - 19.

Considering claim 14, West discloses all the claimed subject matter, note the claimed further comprising at least one of an audio storage medium, a data storage medium, and a video storage medium for storing the information provided to the user is met by column 4 lines 58 - 67 and column 5 lines 1 - 19 (it is inherent that the apparatus contains a audio and video storage medium to compare the audio (language) and video (violence) codes transmitted and inputted to compare for censorship).

Considering claim 15, West does not specifically disclose the claimed further comprising a portable memory for storing local information label.

West discloses of storing the local information label in a memory. It would have been obvious that storing the category label in portable memory would have provided censorship of programming like storing programming in the memory disclosed by West, furthermore the use of portable memory for the storage of a category label would have been well known in the art (discs, tapes, cards, etc.). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to include a portable memory in the invention of West, because it would have been obvious that a portable memory would have provided censorship of

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programming as the conventional memory of West and it would have been obvious and known in the art that the use of portable memories would have added versatility to a system because the memory would have the possibility of being transported and used at a plurality of locations.

3. Claims 16 - 18, 22, and 27 - 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over West.

Considering claim 16, West discloses the following claimed subject matter, note:

1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 1 - 29, column 15 lines 3 - 19 and column 7 lines 5 - 10,

2) the claimed means for assigning a value to each of the category labels based on the received answers is met by column 5 lines 20 - 40 and column 7 lines 28 - 40,

3) the claimed means for forming the local information label based on the values assigned to each of the category labels is met by column 5 lines 20 - 40 and column 7 lines 28 - 40 (local information label is exclusion code formed from inputting values for category label),

except for:

1) the claimed means for presenting questions to a user which are related to the category labels,

2) the claimed means for receiving answers to the questions presented to the user.

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Regarding 1) and 2), West discloses of inputting information as to the PIN#, the rating system(s), and the censorship ratings, for the plurality of household members. West also discloses that the apparatus prompts the user for information like "ENTER YOUR PIN NUMBER". It would have been obvious that the information prompting the user to "ENTER YOUR PIN NUMBER" would have been a question as to the user's PIN number (ENTER YOUR PIN NUMBER ?) and that entering the censorship ratings would have been directly related to the category labels (ratings are entered for the category labels). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a means for presenting questions to a user which are related to the category labels and to include a means for receiving answers presented to the user because it would have been obvious that "ENTER YOUR PIN NUMBER" in the invention of West would have been a question asking the user what is their PIN number and it would have been obvious that a receiving means would have been include to receive the inputted answer to the question (inputted PIN number).

Considering claim 17, West does not specifically disclose the claimed wherein the questions presented to the user are indirectly related to the category labels.

It would have been obvious to include questions presented to the user in the invention of West (claim 16). West disclose of assigning and inputting PIN# for the plurality of household members. It would have been obvious that the PIN# were indirectly related to the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time

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the invention was made that questions presented to the user were indirectly related to the category labels because the PIN# was used to access the information and category label for each individual and was not part of the information or category label thus resulting in an indirect relationship, whereas the censorship ratings formed the information or category label and would have been directly related to the information/category label as discussed in claim 16.

Considering claim 18, West does not specifically disclose the claimed wherein the questions presented to the user are descriptive phrases which describe the categories of program content associated with the category labels.

It would have been obvious to present questions to the user regarding the censorship ratings in the invention of West (claim 16). West discloses of describing the content of the of the programming with descriptive phrases by pressing a button to provide the user with the descriptive phrases which describe the categories. It would have been obvious to present the user with questions with descriptive phrases which describe the categories of program content associated with the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the user with descriptive phrases which describe the categories of program content associated with the category labels because it would have been known to provide the user with descriptive phrases which describe the categories as disclosed by west and it would have been obvious to include descriptive phrases

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when prompting the user to input the ratings because it would have been known that the phrases would have described the categories for inputting ratings.

Considering claim 22, West discloses the following claimed subject matter, note the claimed an apparatus for selecting a local information label for a program user is met by column 5 lines 3 - 40, except for:

- 1) the claimed means for storing a plurality of local information labels associated with a plurality of user ages,
- 2) the claimed means for inputting an age of the user,
- 3) the claimed means for activating one of the plurality of local information labels based on the input age of the user.

Regarding 1), 2), and 3), West discloses of storing a plurality of local information labels associated with a plurality of household users, wherein each of the household members is assigned a PIN for identification means for tv access where each PIN is associated with an information label which is stored in memory and is activated with inputting a PIN number. West also cites that household members are assigned a PIN number with a different level of censorship with respect to different ages (col 5 lines 31 - 40). It would have been obvious that the ages of the members would have resulted in the amount of censorship required. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store a plurality of local information labels associated with a plurality of user ages and means for

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inputting an age of the user to activate one of the information labels because it would have been obvious from the teaching of West that the age of the user would have been an important factor in determining the amount of censorship required, and with the inputting of an age, and having the local information labels associated with the age and activated with the inputting of the age, censorship of tv programs with respect to one's age would have been expected.

Considering claim 27, West discloses the following claimed subject matter, note:

- 1) the claimed a method of forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 3 - 40,
- 2) the claimed presenting a program to a user is met by column 4 lines 48 - 67 and column 5 lines 1 - 3,
- 3) the claimed presenting to the user a representation of a transmitted category label having a value which identifies the content of the program is met by column 5 lines 3 - 40,
- 4) the claimed receiving an indication from the user that the content of the program is at least one of unacceptable and acceptable is met by column 5 lines 3 - 40 (based on user input code),
except for:

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1) the claimed modifying the value associated with the local category label based on the received indication from the user that the content of the program is at least one of unacceptable and acceptable,

2) the claimed forming the local information label on the modified value associated with the local category label.

Regarding 1) and 2), West discloses of assigning censorship ratings for each member of the household. It would have been obvious to one skilled in the art that a means of modifying the local label to that of acceptable or unacceptable would have been to modify the local label and modifying the local label to acceptable or unacceptable status would have provided the user with added control of censorship. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify and form the local label based on the indication from the user that the content is acceptable or unacceptable in the invention of Olivo because added control and greater flexibility in controlling the censorship would have been expected.

Considering claim 28, West does not specifically disclose the claimed wherein the modifying step comprises reducing the value associated with local category label such that it is less than the value associated with transmitted category value.

West discloses of modifying the value of the local category label to customize the value for each member of the household. It would have been obvious that in allowing or censoring the

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programming material the category label would have been either higher or lower than the value of the transmitted category label. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made modifying the local category label would have resulted in a value less than the value associated with transmitted category label because it would have been obvious that the lower or higher value of the local category label with respect to the transmitted label would have permitted access or provided censorship of the programming material.

Considering claim 29, West discloses all the claimed subject matter, note the claimed further comprising the step of blocking at least a portion of the program of substituting program material for objectional material when the value associated with the local category label is less than the value of the transmitted category label is met by column 7 lines 11 - 28.

Considering claim 30, West discloses the following claimed subject matter, note:

1) the claimed an apparatus for forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 2 - 19,

2) the claimed means for presenting a program to a user is met by column 1 lines 4 - 9,

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3) the claimed means for receiving an indication from the user that the content of the program is at least one of unacceptable and acceptable is met by column 5 lines 3 - 40 (based on user input code),

except for:

1) the claimed means for modifying the value associated with the local category label based on the received indication from the user that the content of the program is at least one of unacceptable and acceptable,

2) the claimed means for forming the local information label based on the modified value associated with the local category label.

Regarding 1) and 2), West discloses of assigning censorship ratings for each member of the household. It would have been obvious to one skilled in the art that a means of modifying the local label to that of acceptable or unacceptable would have been to modify the local label and modifying the local label to acceptable or unacceptable status would have provided the user with added control of censorship. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify and form the local label based on the indication from the user that the content is acceptable or unacceptable in the invention of Olivo because added control and greater flexibility in controlling the censorship would have been expected.

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Considering claim 31, West does not specifically disclose the claimed further comprising means for indicating whether the modification of the value associated with the local category label is to be temporary or permanent. Please refer to claim 30 for reasons of obviousness.

Considering claim 32, West discloses all the claimed subject matter, note the claimed wherein the means for receiving an indication comprises a button on a remote control device, the button being associated only with the local information label is met by column 9 lines 2 - 15.

Considering claim 33, West does not specifically disclose the claimed wherein the means for receiving an indication comprises a voice recognition system.

West discloses of censorship of programs and control of airtimes of tv watching in a household wherein a plurality of members in the household are assigned PIN numbers for identification to access tv programs. The head of the household has a PIN number for identification to modify the labels for each household member. A means of identification by a voice recognition system would have been well known in the art and would have been obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a means of identification of the plurality of users in the household would have been required in the invention of West, and it would have been obvious to have used a voice recognition system as a means for identification because it would have been obvious a means of identification would have been required to identify the plurality of members using the tv in a

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household to control the local labels, and voice recognition as a means of identification would have been well known in the art.

4. Claims 23 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Clanton.

Considering claim 23, West discloses the following claimed subject matter, note:

1) the claimed means for receiving at a user station a program which includes a program signal and a transmitted information label having at least one category label value which identifies a content of the program signal is met by column 4 lines 58 - 67 and column 5 lines 1 - 40,
2) the claimed means for storing an identification code of the user for each program presented to the user is met by column 5 lines 1 - 40 (stored user ID provides access to programs),

except for:

1) the claimed means for storing the at least one category label value for programs presented to the user to compile a viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Clanton also discloses of providing programming to the user, and teaches of a server providing to the user the user viewing preferences (col 7 lines 50-58). It would have been obvious to provide the user in the invention of West user preferred programming by storing the category label for programs presented to the user by compiling a viewing history. Therefore, it

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would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught by Clanton, because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

Considering claim 24, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Clanton also discloses of providing programming to the user, and teaches of a server providing to the user the user viewing preferences. It would have been obvious to provide the user in the invention of West user preferred programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught by Clanton, because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

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Considering claim 25, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

Considering claim 26, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olivo.

Considering claim 34, Olivo discloses all the claimed subject matter, note:

1) the claimed a method for scheduling an advertisement during a program, the program having a program information label which rates the instantaneous content of the program at least two levels is met by column 14 lines 30 - 53 (alternate programming),

2) the claimed scanning the program information label to ascertain the instantaneous content level of the program over the duration of the program is met by column 14 lines 30 - 53,

3) the claimed transmitting said one advertisement at a time based on the instantaneous content level of the program information label is met by column 14 lines 30 - 53 (alternate programming is transmitted and received),

except for:

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1) the claimed determining one of a plurality of advertisements to be run during said program based upon the instantaneous content level of the program.

Olivo discloses of displaying alternate scenes corresponding to the program material in context but of more acceptable content (col 7 lines 48-51). It would have been obvious that a scene(s) or advertisement would have been selected from a plurality of scenes which corresponded to the program material in context for display as alternate programming. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made that the invention of Olivo would have had a plurality of scenes or advertisements and the scene which corresponded to the program material in context would have been displayed as alternate programming.

6. Claims 38-41 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Abecassis.

Considering claim 38, West discloses 1) the claimed In an information access system, a method for creating a local information label for use in controlling access to information which has associated therewith an information label related to the content of the information (col 5 lines 20-52 and col 6 lines 42-62),

except for:

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- 1) the claimed providing to a user a plurality of category labels each identified by a standardized description of a particular type of information content including at least one of violence, sex and foul language,
- 2) the claimed prompting the user to input a value which is indicative of an amount of said information content into the information access system for each of the category labels,
- 3) the claimed creating a local information label based upon each of the category labels in response to the input values.

Regarding 1), 2), and 3), West discloses of providing the user with category labels and prompting the user to input a value to create a local information label. Abecassis also discloses of providing the user with category labels including at least one of violence, sex and foul language (fig 2 A) and discloses of creating a local information label based upon content levels of each of the category labels in response to the input values (col 4 line 10 - col 5 line 15). It would have been obvious that including specific category labels with content levels of violence, sex and foul language in the invention of would have provided greater flexibility in the censorship of the programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include specific category labels which is indicative of an amount of content information for censorship including violence, sex, and foul language in the invention of West as taught by Abecassis, because it would have been obvious that greater flexibility in the censorship of programming would have been possible.

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Considering claim 39, West does not specifically disclose the claimed wherein the information content includes subcategories of at least violence and sex.

It would have been obvious to include the subcategories of violence and sex in the invention of West (see claim 38).

Considering claim 40, West discloses the claimed wherein the information access system stores the local information label and wherein the information access system receives information for access by the user, the received information including an associated information content label which varies as the content of the information varies, and including the step of comparing the local information label with the associated information label to selectively control access to the received information (column 5 lines 1-40).

Considering claim 41, West discloses the claimed including the step of preventing access to received information which does not have an associated information content label which compares favorably with the local information label (column 5 lines 1-40).

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Abecassis, and further in view of Olivo (5,172,111).

Considering claim 42, West or Abecassis do not specifically disclose the claimed wherein the received information is a television program signal and the associated information content label is provided in each frame of the program signal.

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West, Abecassis, and Olivo all disclose of transmitting and information label the user for editing the content of a program. Olivo discloses of receiving a television signal and teaches that by providing information label for each frame of the program signal, each frame of the signal can be censored or allowed depending on the program content (col 3 lines 25-44). It would have been obvious to modify the invention of West to include an information label for each frame of the program signal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the invention of West to include and information label for each frame of the program signal as taught by West because it would have been obvious that allowing or censoring each video frame would have provided flexibility such that only the undesired portions of the program would be censored in lieu of the entire video program.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 43 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled

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in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed “transmitting occurs a predetermined amount of time before or after said instantaneous content level” introduces new matter since it was not described in the specification.

Allowable Subject Matter

10. Claim 35 and 36 are allowed.

Response to Arguments

Applicant's Arguments

1) Applicant also notes that claim 35 has been indicated as being allowable while also being rejected in view of the West patent. Applicant respectfully requests clarification of the status of claim 35.

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2) The Kwoh patent fails to teach or suggest features of Applicant's claims 1 and 7 which recites among other features, frame-specific categories and incorporating thematic ratings in a frame specific system.

3) Kwoh and West fail to teach or suggest identification of a thematic element in a frame-specific manner.

4) To the contrary, the West patent does not teach or suggest presenting questions to a user which are related to category labels, receive answers, assign a value to the category labels based upon the answers and form a local information label based upon the values assigned to each of the category labels.

5) The input of the a PIN number does not have anything to do with category labels. As such, the West patent fails to disclose or suggest the features of independent claim 16.

6) West has an associated PIN number which eliminates a need for age to be input. Thus, the West patent fails to disclose or suggest the features of claim 22.

7) Because the West patent discloses manually changing the information in the label, as opposed to the system performing the modification as featured in independent claims 27 and 30, West actually teaches away from the previously claimed invention. (page 6)

8) Applicant submits that, as stated in column 7 of the West patent, one can "temporarily deactivate program control to allow viewing of any program.." Applicant submits that this is a general override and that, in fact, there is not any modification of the local information label. As such, Applicant submits that independent claims 27 and 30 are allowable. (page 6)

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9) The office action states that “it would have been obvious to create an information label for two users based on the first and second information labels.” Applicant submits that no such teaching, suggestion, or motivation for such features can be found within the West patent. (page 6).

10) There is no compilation of a viewing history by West. Thus, West fails to teach or suggest Applicant’s compiled viewing history. (page 7)

11) Applicant submits that Clanton fails to teach or suggest a user history. Furthermore, a category label value is not stored to compile this history. As such, there is no disclosure or suggestion to utilize a category label value for programs presented to a user in order to compile a history where the value identifies a content of the program signal (page 7)

12) With respect to independent claim 34, Olivo, Jr. does not determine timing transmission of a specific advertisement to occur within a predetermined period of time relative to an instantaneous content level of the program as in encompassed by claim 34.

13) Furthermore, Olivo, Jr. does not teach or suggest features of claims which depend from claim 34. For example, newly added claim 43 provides that an advertisement be transmitted at a predetermined amount of time before or after the instantaneous content level.

14) However, the West patent does not disclose or suggest “prompting the user to input a value which is indicative of an amount of said content into the information access system for each of the category labels.”

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15) As such, the Lemelson patent does not teach or suggest allowing differing amounts of content to be censored.

Examiner's Responses

- 1) Claim 35 has been allowed by the Examiner.
- 2) and 3) Since the Olivo reference was used to teach of frame specific categories and incorporating thematic ratings in a frame specific manner and not the Kwoh or West reference as argued by the Applicant, the Applicant's arguments are not persuasive.
- 4) Since the entering of the PIN number accesses a particular category label for a user, the PIN number is directly related to the category label. In addition, it would have been inherent that the user would have been prompted to input the rating value for each category label for each member of the household, and that since the local information label would have been based upon the answers to rating value for each category label for each household members, the Applicant's arguments are not persuasive.
- 5) Since the input of the PIN number accesses a particular category label associated for a viewer it is directly associated with category labels, as result, the Applicant's arguments are not persuasive.
- 6) Examiner concurs that West has an associated PIN number. However, Applicant fails to argue why it would NOT have been obvious to modify the invention of West to utilize the age

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as a PIN number, as provided by the Examiner in rejecting claim 22. Therefore, Applicant's arguments are not persuasive.

7) Independent claims 27 and 30 disclose "receiving and indication from the user that the content of the program is at least one of unacceptable and acceptable, modifying the value associated with the local category label based on the received indication from the user that the content of the program is at least one of unacceptable and acceptable." West discloses of receiving an indication from the user and modifying the category label, Even though West manually changes the category label, the system performs the modification of the local label. As a result, the Applicant's arguments are not persuasive.

8) The Examiner concurs that West discloses of a general override and no modification to the information label. However, it would have been obvious that a means of overriding the local information label to allow viewing would have been to modify the information label, therefore Applicant's arguments are not persuasive (see claims 27 and 30 for new grounds of rejection).

9) The examiner concurs that the West patent does not teach or suggest of creating and information label for two users based on the first and second information labels, as a result, claim 35 is allowed.

10) and 11) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, Clanton

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specifically discloses of displaying a user history or preferences (col 7 lines 54-58), therefore Applicant's arguments are not persuasive.

12) Olivo, Jr. discloses of displaying alternate programming within a predetermined time period of time instantaneous content level of the program by displaying alternate programming during the timings in a program when censorship is needed. Since the alternate program is displayed within a predetermined time period of time instantaneous content time level of the program, the alternate programming is transmitted for display during this time period. Therefore, Applicant's arguments are not persuasive.

13) Since claim 43 introduces new subject matter, Applicant's arguments are not persuasive.

14) The Examiner concurs that the West patent does not disclose or suggest "prompting the user to input a value which is indicative of an amount of said content into the information access system for each of the category labels" since claim 38 was amended to include this limitation. Please see claim 38 for new grounds of rejection.

15) The Examiner concurs that the Lemelson patent does not teach or suggest allowing differing amounts of content to be censored since claim 38 was amended to include this limitation. Please see claim 38 for new grounds of rejection.

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Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Sweetser - Video Control System
- b) Benjamin - Restrictive Access Control System
- c) Kwoh - Apparatus And Method For Total Parental Control Of Television Use
- d) Vogel - Automatic Censorship of Video Programs

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
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13. Any inquiry concerning this communication or earlier from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached at (703) 305 - 9703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

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VS 5/4/98

Chris Grant

CHRIS GRANT
PRIMARY EXAMINER